

Applicant: Blodgett
Serial No.: 10/766,267

PATENT
Atty. Docket: 18393-512

Remarks/Arguments

This Amendment is filed in response to the Office Action dated November 22, 2005. In this Amendment, claims 1, 11, and 19 have been amended and claims 27 and 28 have been newly added. Claims 1-28 are pending in this application.

In the Office Action, claims 1-5 and 8-26 are rejected on prior art grounds and claims 6 and 7 are objected to. For the reasons stated below, however, the rejections and objections are hereby traversed.

Claim Objections

The Applicant acknowledges that claims 6 and 7 have been rejected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Previously pending claim 6 has been rewritten in independent form as newly added claim 27. Previously pending claim 7 has been rewritten as claim 28 to depend from newly added claim 27. Since independent claim 1 has been amended as discussed later in the Remarks, claims 6 and 7 remain pending in this application.

Claim Rejections 35 U.S.C. § 102

Claims 1-2, 8-14, and 19-22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,338,523 to *Rasmussen*. Claims 11-12 and 15-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,797,880 to *Pezzaglia*. For the reasons set forth below, this rejection is hereby traversed.

In the Response to Arguments of the November 11, 2005 Office Action, the Examiner indicated that the Applicant's previously presented arguments are not persuasive. Specifically, the Examiner asserts that the designs of the *Rasmussen*

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Patent and the *Pezzaglia* patent distribute weight laterally across a first and second support rail.

The Applicant continues to disagree with the Examiner's characterization of the term "distributed" or "distributing" in regards to the pending claims. One definition, provided herein solely as an example, can be found in *The American Heritage® Dictionary of the English Language, Fourth Edition* which defines "distribute" as "To divide and dispense in portions". The applicant fails to see how the design of the *Rasmussen Patent* divides and dispenses portions of weight in the context of the currently pending claims. In both cited references, each frame member directly and completely supports the weight coming from above it. This is in contrast to the first and second support rails as recited in the present claims, which distribute a load laterally across both.

However, in an effort solely to expedite prosecution of this application, the Applicant has further amended the independent claims to further describe the present invention. These amendments are discussed in greater detail below.

The invention as set forth in amended claim 1 is directed to a novel slide-out mechanism comprising a frame; said frame comprising at least one first frame member and at least one second frame member, said at least one second frame member being movable relative to said at least one first frame member; said second frame member comprised of a first support rail and a second support rail, said first and second support rails being fixedly connected to each other along a vertical plane such that a load encountered by said second frame member is distributed laterally in a horizontal plane containing said first and second support rails; and, a floor structure connected to said second frame member.

As amended, the *Rasmussen* patent cannot be properly relied upon as anticipating the invention as recited in amended claim 1. For example, the *Rasmussen* patent does not teach first and second support rails being fixedly connected to each other along a vertical plane such that a load encountered by said

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second frame member is distributed laterally in a horizontal plane containing said first and second support rails; and, a floor structure connected to said second frame member. First, the frame members of the *Rasmussen* patent are positioned on top of each other, as seen in Figures 19A and 19B in the reference, are joined along a horizontal plane not along a vertical plane as claimed.¹ Second, the lower slider rail of the *Rasmussen* patent directly supports the vertical weight received by the upper rail and therefore the weight is not distributed laterally in a horizontal plane containing said first and second support rail as also recited in amended claim 1. In this respect, the *Rasmussen* patent will not provide, for example, the strength and cost advantages described in the present application.

Thus, for at least these reasons, the *Rasmussen* patent fails to anticipate amended claim 1. It is also submitted that the *Rasmussen* patent does not separately or in combination render the invention obvious.

Turning to Claims 2, 4-6 and 8-10, these claims depend from amended claim 1 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

The presently claimed invention as set forth in claim 11 is directed to a novel method of moving a slide-out compartment on a vehicle comprising providing a slide out frame having at least two stationary members and at least two movable members; urging said at least two movable members outwardly from the vehicle; and, distributing a weight of said slide out compartment over at least two longitudinally extending support rails which are laterally joined to each other along a substantially vertical junction and at substantially the same height and which are included as part of each of said at least two movable members.

¹ The Examiner appears to have acknowledged this distinction in the "Response to Arguments" section (paragraph 10) of the November 22, 2005 Final Action.

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As amended, the *Rasmussen* patent cannot be properly relied upon as anticipating the invention as recited in amended claim 11. For example, the *Rasmussen* patent does not teach distributing a weight of said slide out compartment over at least two longitudinally extending support rails which are laterally joined to each other along a substantially vertical junction at substantially the same height and which are included as part of each of said at least two movable members. First, the frame members of the *Rasmussen* patent are positioned on top of each other, as seen in Figures 19A and 19B in the reference, and therefore have different heights within the slide-out mechanism. Second, the lower slider rail of the *Rasmussen* patent directly supports the vertical weight received by the upper rail and therefore the weight is not distributed over at least two longitudinally extending support rails which are laterally joined to each other along a substantially vertical junction as also recited in amended claim 11. In this respect, the *Rasmussen* patent will not provide, for example, the strength and cost advantages described in the present application.

The Examiner also asserts that claim 11 is anticipated by the *Pezzaglia* patent by teaching a frame member from which a first section telescopes into and out of. Further, a second section telescopes into and out of the first section, therefore allowing each section to separately telescope. These sections, however, are not laterally joined to each other along a substantially vertical junction as recited in amended claim 11. Moreover, while the arrangement in *Pezzaglia* may transfer weight vertically from one section to another so as to allow one section to directly support another, it does not include distributing the weight over at least two longitudinally extending support rails which are at substantially the same height as also recited in amended claim 11. Thus, the *Pezzaglia* design will not provide, for example, the strength and cost advantages described in the present application.

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Thus, for at least these reasons, the *Rasmussen* patent and the *Pezzaglia* patent fail to anticipate claim 11. It is also submitted that the *Rasmussen* patent and the *Pezzaglia* patent do not separately or in combination render the invention obvious.

Turning to Claims 12-14 and 15-17, these claims depend from claim 11 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

The presently claimed invention as set forth in claim 19 is directed to a novel method of moving a slide-out compartment on a vehicle comprising providing a slide out frame having a stationary member and a movable member; urging said movable member outwardly from the vehicle; and, distributing a weight of said slide out compartment over at least two longitudinally extending support rails having substantially the same height, which are fixed to each other in a lateral direction and which are included as part of said movable member.

The Examiner asserts that claim 19 is anticipated by the *Rasmussen* patent by teaching the arrangement of frame members 380 or 390 as seen in Figures 19A and 19B. However, the *Rasmussen* patent cannot be properly relied upon as anticipating the invention as recited in amended claim 19. For example, the *Rasmussen* patent does not teach distributing a weight of said slide out compartment over at least two longitudinally extending support rails having substantially the same height, and which are fixed to each other along a vertical direction and which are included as part of said movable member.

First, the frame members of the *Rasmussen* patent do not have substantially the same height since one frame member is located above the other frame member. Second, these rails are not fixed to each other along a vertical direction as recited in amended claim 19. Moreover, the lower slider rail may be directly supporting the weight vertically received by the upper rail but not distributing the weight of a slide

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out compartment over the at least two longitudinally extending support rails as also recited in amended claim 19. Thus, the *Rasmussen* design will not provide, for example, the advantages described in the present application, such as improved strength and reduced cost.

The Examiner also asserts that claim 19 is anticipated by the *Pezzaglia* patent by teaching a frame member from which a first section telescopes into and out of. Further, a second section telescopes into and out of the first section, therefore allowing each section to separately telescope. Neither of these sections, however are fixed to each other along a vertical direction, nor do these sections have substantially the same height. Moreover, while the arrangement in *Pezzaglia* may vertically transfer weight from one section to another so as to allow one rail to directly support another, it does not include distributing the weight of a slide out compartment over at least two longitudinally extending support rails as also recited in amended claim 19. Thus, the *Pezzaglia* design will not provide, for example, the strength and cost advantages described in the present application.

Thus, for at least these reasons, the *Rasmussen* patent and the *Pezzaglia* patent fail to anticipate claim 19. It is also submitted that the *Rasmussen* patent and the *Pezzaglia* patent do not separately or in combination render the invention obvious.

Turning to Claims 20-22 and 23-25, these claims depend from claim 19 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Claim Rejections 35 U.S.C. § 103

Dependent claims 4-5, 15-17, and 23-25 stand rejected under 35 U.S.C. § 103(a) based on the *Rasmussen* patent in view of U.S. Patent Number 6,416,136 to *Smith*. These claims depend from independent claims 1, 11, and 19 and are

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patentable for at least the reasons previously put forth in connection with these independent claims. Hence, the Applicant respectfully requests the withdrawal of the rejection of these claims and an indication of allowability. However, it is noted that these dependent claims further limit the claimed invention as thus are patentable over and above their precursor independent claims.

Claim 3 stands rejected under 35 U.S.C. § 103(a) based on the *Rasmussen* patent. This claim depends from independent claim 1 and is patentable for at least the reasons previously put forth in connection with these independent claims. Hence, the Applicant respectfully requests the withdrawal of the rejection of this claim and an indication of allowability. However, it is noted that these dependent claims further limit the claimed invention as thus are patentable over and above their precursor independent claims.

Claims 18 and 26 stand rejected under 35 U.S.C. § 103(a) based on the *Rasmussen* patent in view of U.S. Patent Number 5,902,001 to *Schneider*. These claims depend from independent claims 11 and 19 and are patentable for at least the reasons previously put forth in connection with these independent claims. Hence, the Applicant respectfully requests the withdrawal of the rejection of these claims and an indication of allowability. However, it is noted that these dependent claims further limit the claimed invention as thus are patentable over and above their precursor independent claims.

Claim 18 stands rejected under 35 U.S.C. § 103(a) based on the *Pezzaglia* patent in view of the *Schneider* patent. This claim depends from independent claim 11 and is patentable for at least the reasons previously put forth in connection with these independent claims. Hence, the Applicant respectfully requests the withdrawal of the rejection of this claim and an indication of allowability. However, it is noted that these dependent claims further limit the claimed invention as thus are patentable over and above their precursor independent claims.

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Conclusion

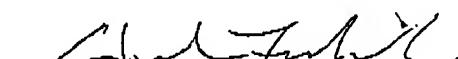
In view of the foregoing, it is submitted that all claims after entry of this amendment are in condition for allowance.

If any questions or issues arise that are more easily addressed by the Examiner through direct communication with the undersigned, the Examiner is cordially to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: 3/22/06



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